

Civil Court of the City of New York
County of Bronx
Part

Index Number

Motion Cal. #

Motion Seq. #

DECISION/ORDER

Recitation, as required by CPLR §2219 (a), of the papers considered in the review of this Motion:

Papers**Numbered**

Notice of Motion and Affidavits Annexed.....

Order to Show Cause and Affidavits Annexed.....

Answering Affidavits

Replying Affidavits.....

Exhibits

Other.....

Claimant(s)/Plaintiff(s)/Petitioner(s)

against

Defendant(s)/Respondent(s)

Upon the foregoing cited papers, the Decision/Order on this Motion to restore

is granted on default as follows: is as follows:

Request for new default judgment denied. The original Default judgment was vacated on May 9, 2014; however, action was never restored to the trial calendar despite an answer being served. Therefore, motion granted & action adjourned to 10/28/15 @ 9:30 AM for trial.

Plaintiff to serve a copy of this order upon defendant within ten (10) days, by 1st class mail.

This constitutes the decision/order of this court.

ENTERED
BRONX COUNTY

SEP 15 2015

Civil Court

Clerk

Date

JOSEPH A. CATELLA
JUDGE, CIVIL COURT

34

(2)

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34

Index No. 11024/09

File No. 1619

-----X
PRANA GROWTH FUND 1 LP,

Plaintiff,

NOTICE OF MOTION

- against -

ANDRES RAUDA-RODRIGUEZ,

Defendant.
-----X

MOTION BY:

Kavulich & Associates, P.C.
Attorneys for Plaintiff

DATE, TIME AND PLACE
OF HEARING:

September 15, 2015
9:30 A.M.
Motion Term: Part 34, Room 503
Civil Court of the City of New York
County of Bronx
851 Grand Concourse
Bronx, NY 10451

2015 SEP -2 PM 4:10
CIVIL COURT
BRONX COUNTY

SUPPORTING PAPERS:

Affirmation of Gary M. Kavulich, Esq.,
dated August 21, 2015 and upon all the
papers and proceedings heretofore and
herein.

RELIEF REQUESTED:

Order, restoring the within proceeding to the
Court's calendar, awarding Plaintiff a

judgment in the sum of \$3,591.88 plus interest from October 1, 2006, and for such other and further relief as to this Court may seem just and proper.

Dated: Port Chester, New York
August 21, 2015

Yours Etc.,

A handwritten signature in black ink, appearing to be 'G. Kavulich', written over a horizontal line.

By: Gary M. Kavulich, Esq.
Kavulich & Associates, P.C.
Attorney's for the Plaintiff
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
(914)355-2074

To: Andres Rauda-Rodriguez
561 West 174th Street, Apt. 44
New York, NY 10033-8214

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34

Index No. 11024/09
File No. 1619

-----X
PRANA GROWTH FUND 1 LP,

Plaintiff,

AFFIRMATION IN
SUPPORT

- against -

ANDRES RAUDA-RODRIGUEZ,

Defendant.

-----X
Gary M. Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

1. I am a member of the law firm of Kavulich & Associates, P.C., attorneys for the Plaintiff, herein. As such, I am fully familiar with the facts and circumstances of the within proceeding, except as to those matters stated to be based upon information and belief, and as to those matters I believe them to be true. The basis of my belief is information furnished to me by my client, information contained within the Court's file, and information contained within the file as maintained by your Affirmant's office.
2. I make this affirmation which seeks an order directing the Clerk of the Court to place the instant matter on the appropriate calendar, for a judgment in the sum of \$3,591.88 plus interest from October 1, 2006, and for such other and further relief as this Court may deem just and proper.
3. Plaintiff commenced the within proceeding against Defendant for breach of a lease agreement by serving the summons and complaint on Defendant on or about February 13, 2009. Annexed hereto as Exhibit "1" is a copy of the summons and

complaint. Annexed hereto as Exhibit "2" is a copy of the affidavit of service of said summons and complaint.

4. The Defendant failed to make an appearance in the within proceedings and on April 14, 2009, Plaintiff obtained a judgment against Defendant in the amount of \$3,927.85. Annexed hereto as Exhibit "3" is a copy of said judgment.

5. Thereafter, Plaintiff commenced execution measures to satisfy the judgment.

6. Your Affirmant was able to determine that the Defendant was employed Icon Parking Systems, LLC.

7. As such, on or about March 4, 2014, Plaintiff caused an income execution to be served upon Icon Parking Systems, LLC.

8. Thereafter, on or about April 23, 2014, Defendant made his first appearance in the within proceeding by filing an order to show cause and an answer averring that he did not receive a copy of the summons and complaint and admitted that he did owe money to Plaintiff but disputed the amount of the debt. Annexed hereto as Exhibit "4" is a copy of Defendant's order to show cause. Annexed hereto as Exhibit "5" is a copy of Defendant's answer.

9. Thereafter, on May 9, 2014, Defendant's motion to vacate the judgment was granted. Annexed hereto as Exhibit "5" is a copy of the eCourts motion detail.

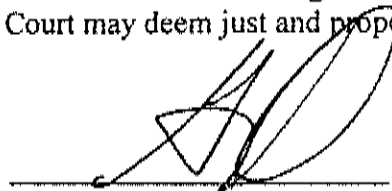
10. To date, the within proceeding has not been restored to the Court's calendar despite your affirmant's urging of the Clerk's office to do so.

11. As there has not been a final decision in this matter, Plaintiff's claim against the Defendant is still outstanding.

12. Therefore, your affirmant respectfully requests an order directing the Clerk of the Court to place the instant matter on the appropriate calendar, for a judgment in the sum of \$3,591.88 plus interest from October 1, 2006, and for such other and further relief as to this Court may seem just and proper.

WHEREFORE, your affirmant respectfully requests that this motion be granted in all respects and for such other and further relief as this Court may deem just and proper.

Dated: Port Chester, New York
August 21, 2015



By: Gary Kavulich, Esq.
Kavulich & Associates, P.C.
Attorney's for the Plaintiff
181 Westchester Ave., Suite 500C
Port Chester, NY 10573
(914)355-2074

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 5

EXHIBIT 4

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
Prana Growth Fund I LP,
Plaintiff,

INDEX NO.
FILE NO. 1619

-against-

SUMMONS
Place of Venue is Plaintiff's
place of business:

Andres Rauda- Rodriguez,

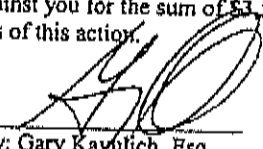
1380-82 White Plains Road
Bronx, NY 10462

Defendant(s)

-----X
To the above named defendant(s):

YOU ARE HEREBY SUMMONED to appear at the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the clerk of the said Court at 851 Grand Concourse, Bronx, NY 10451, in the COUNTY OF BRONX, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$3,591.88 with interest thereon from October 1, 2006 together with costs of this action.

DATED: January 19, 2009


By: Gary Kavulich, Esq.,
Kavulich & Associates, P.C.
Attorney for Plaintiff
30 Church Street
Suite 26
New Rochelle, NY 10801
(914) 355-2074

Defendant's Address:
Andres Rauda- Rodriguez
561 W 174th Street, Apt. 44
New York, NY 10033-8214

Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from defendant(s) for breach of a lease agreement in the sum of \$3,091.88 representing rental arrears for the months of October, 2006 balance of \$471.26; November, 2006 through and including January, 2007 at the agreed monthly sum of \$873.54 for the premises known as 1380-82 White Plains Road, Apt.3B Bronx, NY 10462 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

SECOND ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

THIRD ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other further relief as the Court may deem just.

WHEREFORE, Plaintiff demands judgment (A) on the First Action, in the sum of \$3,091.88 plus interest from October 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (B) on the Second Action, in the sum of 0.000 plus interest from October 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.

EXHIBIT 2

EXHIBIT 3

EXHIBIT 5

EXHIBIT 4

AFFIDAVIT OF SERVICE
CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

Index No. 11024/09
 Filed: _____

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801

File No. 1619

PRANA GROWTH FUND I LP,

vs.

ANDRES RAUDA-RODRIGUEZ,

State of New York County of Nassau SS:

Chafin Evans, being duly sworn deposes and says:

Deponent is not a party herein, is over 18 years of age. On February 13, 2009 at 11:40a.m.

At 561 W. 174TH Street, Apt. 44, New York, NY 10033-8214 served the within Summons and

Complaint on: ANDRES RAUDA-RODRIGUEZ, Defendant therein named

Individual ☐ By delivering a true copy of each to said recipient; deponent knew the person served to be the person described as said person therein.

Corporation ☐ By delivering to and leaving with _____ and that deponent knew the person so served and authorized to accept service on behalf of the Corporation

Suitable Age Person ☒ By delivering a true copy of each to a person of suitable age and discretion
 Said premises is recipients ☐ actual place of business ☒ dwelling house within the state.

Affixing to Door ☒ By affixing a true copy of each to the door of said premises, which is recipients ☐ actual place of business ☒ dwelling house (place of abode) within the state

Mail Copy ☐ On February 14, 2009 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1st Class properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion having called thereat:

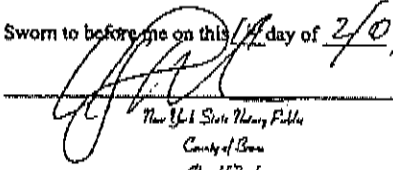
On the ____ day of ____ at ____
 On the ____ day of ____ at ____
 On the ____ day of ____ at ____

Description A description of the Defendant, or other person served on behalf of the Defendant
☐ Sex: F Color of skin: BRN Color of Hair: BLK Age: 35-40 Height: 5'5" Weight: 160LBS

Military Svce ☒ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other ☒ "Jane Doe" stated that the Defendant is not in the military.

Sworn to before me on this 14 day of 2/09


 New York State Notary Public
 County of Bronx
 Cheryl W. Nichols
 Lic. No. 011114609016
 Commission Expires June 3, 2010 10



 Chafin Evans
 LIC# 1243320

EXHIBIT 3

EXHIBIT 5

EXHIBIT 4

**Bronx County Civil Court
Civil Judgment**

Plaintiff(s):
PRANA GROWTH FUND 1, LP

vs.

Defendant(s):
ANDRES RAUDA-RODRIGUEZ

Index Number: CV-011024-09/BX

Judgment issued: On Default

On Motion of:

KAVULICH & ASSOCIATES, P.C.
30 CHURCH STREET, SUITE 28, NEW
ROCHELLE, NY 10801-

Amount claimed	\$3,091.88	Cost By Statute	\$20.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Index Number Fee	\$45.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 10/01/2008 at 9%	\$705.97	Non Military	\$0.00	Other Disbursements	\$0.00
Attorney fees	\$0.00	Notice of Trial	\$0.00	Other Costs	\$0.00
		Jury Demand	\$0.00		
Total Damages	\$3,797.85	Total Costs & Disbursements	\$130.00	Judgment Total	\$3,927.85

The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) PRANA GROWTH FUND 1, LP
1380-82 WHITE PLAINS RD, BRONX, NY 10462-

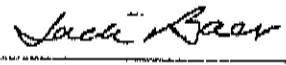
Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) ANDRES RAUDA-RODRIGUEZ
561 W. 174TH STREET #44, NEW YORK, NY 10033-

Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK in the total amount of \$3,927.85 on 04/14/2009 at 12:18 PM.

Judgment sequence 1



Jack Baer, Chief Clerk Civil Court

EXHIBIT 5

EXHIBIT 4

1619

Civil Court of the City of New York
County of Bronx Part 39

Appearances are Mandatory

Index Number: CV-011024-09/BX

PRANA GROWTH FUND 1, LP
-against-
ANDRES RAUDA-RODRIGUEZ

ORDER TO SHOW CAUSE
To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of ANDRES RAUDA-RODRIGUEZ, sworn to on April 23, 2014, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court
851 Grand Concourse
Bronx, New York 10451
Part 34 Room 503

on MAY 9, 2014 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

by Personal Service by "In Hand Delivery"
☒ by Certified Mail, Return Receipt Requested
by First Class Mail with official Post Office
Certificate of Mailing

by Personal Service by "In Hand Delivery"
☒ by Certified Mail, Return Receipt Requested
by First Class Mail with official Post Office
Certificate of Mailing

on or before APRIL 29, 2014, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney or party:
Kavulich & Associates PC (Counsel for Pltff), at
181 Westchester Avenue, Suite 500C,
Port Chester, New York 10573

Sheriff/Marshal:
NYC Marshal
Biegel, Stephen, Marshal
109 W 38 Street
Suite 200
New York, NY 10018-3615

April 23, 2014

DATE

Hon. Ruben Franco, Civil Court Judge (NYC)

Index # CV-011024-09/BX

Civil Court of the City of New York, County of Bronx

PRANA GROWTH FUND 1, LP
 -against-
 ANDRES RAUDA-RODRIGUEZ

Affidavit in support of an order to show cause to
 restore case to the calendar, vacate any judgment,
 liens and income executions on this defendant on
 this Index number,
 allow proposed answer or dismissing the action

State of New York, County of New York:

ANDRES RAUDA-RODRIGUEZ, being duly sworn, deposes and says:

(Defendant's Initials)

1. AR a) I am the Party named as (Defendant)(Respondent) in the above titled action

2. AR a) I have been served with a summons and complaint in this action. [NOTE: If Small Claims skip #3, and go to #4]
 b) I have not been served, and my first notice of legal action was [NOTE: If you complete any of #2b,
 skip #3, #4, #5, and go to #6]

AR a Notice of Default Judgment mailed to me
AR a Restraining Notice on my bank account.
AR a copy of an Income Execution served on
 Other: Attached in Exhibit's Notice 3-4-14

3. AR a) I did not appear and answer in the Clerk's Office because: [NOTE: If you complete #3a, skip and go to #6].
Porque nunca recibimos ningun documento
 b) I did not appear and answer in the Clerk's Office
 and I received a date for trial.
 but the answer was entered late
 Other: _____

4. On the Date of Trial before Judge/Arbitrator
 a stipulation(a written agreement) was made between claimant/plaintiff and defendant.
 a judgment was entered after the trial.
 a judgment was entered against me by default for my failure to appear.
 Other: _____

5. My reason for not
 complying with the stipulation is _____
 following the order of the Court is _____
 appearing in court on the date scheduled for trial is _____
 Other: _____

6. AR I allege that I have a good defense because: Si debo esa cantidad pero no la pague
AR no. Debo el dinero, pero no la pague

7. AR a) I have not had a previous Order to Show Cause regarding this index number.
 b) I have had a previous Order to Show Cause regarding this index number but I am making this application
 because: _____

8. AR I request that the Judgment be vacated, that the case be restored to the calendar, that the answer be deemed
 timely filed and permission to serve these papers in person.

Sworn to before me this day April 23, 2014

Signature of Court Employee and Title

(Sign Name) AR
 ANDRES RAUDA-RODRIGUEZ
 561 W. 174TH STREET #44
 NEW YORK, New York 10033

EXHIBIT 5

New York State Unified Court System

*WebCivil Local - Motion Detail*

Court: Bronx County Civil Court
 Index Number: CV-011024-09/BX
 Case Name: PRANA GROWTH FUND 1, LP vs. ANDRES RAUDA-RODRIGUEZ
 Case Type: Civil

Motion Information:

Motion Number	Date Filed	Filed By	Relief Sought	Nature of Decision / Judge	Decision Date	Order Signed Date
001	04/23/2014	Defendant	Vacate Judgment	Granted Before Judge: Honorable Anthony Cannatare		

INDEX NO: 11024/09

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX: PART 34

PRANA GROWTH FUND 1 LP,

Plaintiff,

- against -

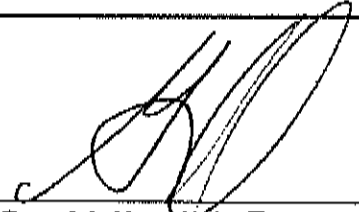
ANDRES RAUDA-RODRIGUEZ,

Defendant.

NOTICE OF MOTION TO RESTORE

Signature Rule 130-1.1-a

Print Name Beneath -


Gary M. Kavulich, Esq.

Kavulich & Associates, P.C.
Attorney for Plaintiff
181 Westchester Ave., Suite 500-C
Port Chester, NY 10573
(914) 355-2074

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX; PART 34

Index No. 11024/09
File No. 1619

-----X
PRANA GROWTH FUND 1 LP,

Plaintiff,

AFFIRMATION OF
SERVICE

- against -

ANDRES RAUDA-RODRIGUEZ,

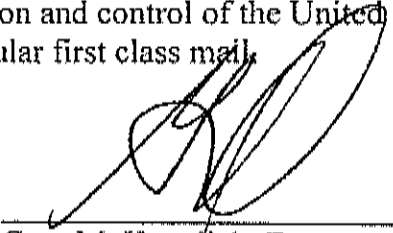
Defendant.
-----X

Gary M. Kavulich, Esq., an attorney duly admitted to practice law before the Courts of the State of New York hereby affirms the following under the penalty of perjury.

On August 21, 2015 I served the within notice of motion to restore upon Andres Rauda-Rodriguez the Defendant in this action, by depositing a true copy in a post-paid envelope addressed to:

Andres Rauda-Rodriguez
561 West 174th Street, Apt. 44
New York, NY 10033-8214

in an official depository under the exclusive dominion and control of the United States Postal Service within the State of New York via regular first class mail.



Gary M. Kavulich, Esq.

Civil Court of the City of New York

COUNTY OF Bronx

Part 34

Prana Growth Fund I, LP
Petitioner(s)/Plaintiff(s)

against

Andres Rauda-Rodriguez
Respondent(s)/Defendant(s)

Index No. CV-011024-09/BX

Motion Calendar No.: _____

Motion Sequence No.: _____

DECISION/ORDER

Present: HON. ANTHONY CANNATARO

Hon. _____
Judge, Civil Court

Recitation, as required by CPLR 2219(a), of the papers considered in the review of this Motion to: _____

Vacate judgment and income executions

Papers

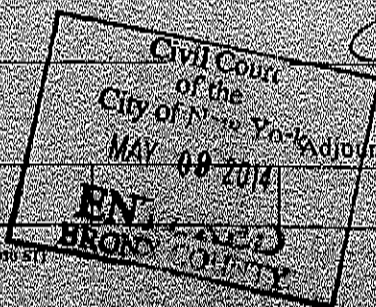
Numbered

Notice of Motion and Affidavits Annexed	_____
Order to Show Cause and Affidavits Annexed	_____
Answering Affidavits	_____
Replying Affidavits	_____
Exhibits	_____
Other	_____

Upon the foregoing cited papers, the Decision/Order on this Motion is as follows:

To vacate is granted without opposition
and the judgment is vacated
and all income executions are
permanently stayed.

5/9/14
Date



HON. ANTHONY CANNATARO
Judge, Civil Court

Civil Court of the City of New York
County of Bronx Part 39

George L. Brennan Picked up 4/25/14
Appearances are Mandatory

Index Number: CV-011024-09/BX



PRANA GROWTH FUND 1, LP
-against-
ANDRES RAUDA-RODRIGUEZ

2014 APR 25 PM 2:41

ORDER TO SHOW CAUSE

To restore case to the calendar, and vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

UPON the annexed affidavit of ANDRES RAUDA-RODRIGUEZ, sworn to on April 23, 2014, and upon all papers and proceedings herein:

Let the Claimant(s)/Plaintiff(s) or Claimant(s)/Plaintiff(s) attorney(s) show cause at:

Bronx Civil Court
851 Grand Concourse
Bronx, New York 10451
Part 34 Room 503
on MAY 9, 2014 at 9:30 AM

or as soon thereafter as counsel may be heard, why an order should not be made:

VACATING the Judgment, and all income executions and restraining notices, if any, restoring the case to the calendar, deeming the proposed answer filed and/or dismissing the action if warranted, and/or granting such and further relief as may be just.

PENDING the hearing of this Order to Show Cause and the entry of an Order thereon, let all proceedings on the part of the Claimant(s)/Plaintiff(s), Claimant(s)/Plaintiff(s) attorney(s) and agent(s) and any Marshal or Sheriff of the City of New York for the enforcement of said Judgment be stayed.

SERVICE of a copy of this Order to Show Cause, and annexed Affidavit, upon the:

Claimant(s)/Plaintiff(s) or named attorney(s):
(Judge to Initial)

Sheriff or Marshal:
(Judge to Initial)

_____ by Personal Service by "In Hand Delivery"
☒ by Certified Mail, Return Receipt Requested
_____ by First Class Mail with official Post Office
Certificate of Mailing

_____ by Personal Service by "In Hand Delivery"
☒ by Certified Mail, Return Receipt Requested
_____ by First Class Mail with official Post Office
Certificate of Mailing

on or before APRIL 29, 2014, shall be deemed good and sufficient

PROOF OF SUCH SERVICE may be filed with the Clerk in the Part indicated above on the return date of this Order to Show Cause.

Mail to Attorney or party:
Kavulich & Associates PC (Counsel for Pltf), at
181 Westchester Avenue, Suite 500C,
Port Chester, New York 10573

Sheriff/Marshal:
NYC Marshal
Biegel, Stephen, Marshal
109 W 38 Street
Suite 200
New York, NY 10018-3615

April 23, 2014

DATE

Hon. Ruben Franco, Civil Court Judge (NYC)



NEW YORK CITY MARSHAL
Stephen W. Biegel

109 West 38th Street, Suite 200 • New York, NY 10018
Phone: (212) MARSHAL (627-7425) • Fax: (212) 398-2000
NYC@MarshalBiegel.com • www.NewYorkCityMarshal.com

March 31, 2014

ICON PARKING SYSTEMS LLC
ATTN PAYROLL
211 EAST 38TH ST
NEW YORK NY 10016

JUDGMENT CREDITOR
PRANA GROWTH FUND 1 LP
VS
ANDRES RAUDA-RODRIGUEZ
[REDACTED] 3543
JUDGMENT DEBTOR

INCOME EXECUTION - NOTICE OF LEVY PURSUANT TO SEC. 5231 OF THE CPLR

Please take notice that the enclosed Income Execution is a levy on the salary, wages, earnings, commissions, etc of the Judgment Debtor (your employee) and that you are required to immediately deduct and remit 10% of the debtor's gross salary, wages, earnings, commissions, etc.

Keep the Income Execution for your files. If there is a prior Income Execution against the Judgment Debtor, keep this one on file until completion of the prior and then start remitting on this Income Execution. If the employee resigns and later is rehired, the Income Execution is still in effect unless the Marshal advises you to the contrary in writing.

MAKE CHECKS PAYABLE TO MARSHAL BIEGEL.

Please include the judgment debtor's name and the docket # below to receive proper credit.

MARSHAL'S DOCKET # G6189

JUDGMENT	\$3,927.85
STATUTORY MARSHAL FEES	\$20.00
POUNDAGE	\$285.83
EXPENSE	\$13.94
FILING FEE	\$0.00
INTEREST TO DATE.....	\$1,755.05
TOTAL.....	\$6,002.67

In addition, interest from 03/31/14, will be calculated and when payments approach completion, you will be notified of the final balance due. Please fill out and return the attached form.

(SND5RVSL)

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

Prana Growth Fund 1 LP,

Against

Plaintiff,

Andres Rauda Rodriguez,

Defendant(s).

Court Index No. 11024/09

File No. 1619.0

INCOME EXECUTION

The People of the State
of New York

The following judgment was duly entered in favor of the plaintiff (judgment creditor) in the office of the clerk of the within court:

Court of Original Entry	Entry Date	Original Amount	Amount Due	Plus Interest From
CIVIL COURT OF THE CITY OF NEW YORK COUNTY OF BRONX	4/14/2009 12:00:00 AM	\$3,927.85	\$3,927.85	4/14/2009 12:00:00 AM

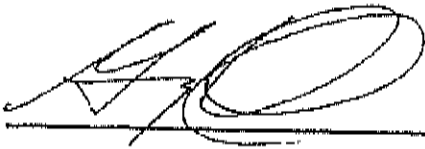
The judgment was recovered against Andres Rauda Rodriguez
And transcribed with the county clerk(s) of Bronx defendant (judgment debtor)

WHEREAS, this execution is issued against Andres Rauda Rodriguez defendant (judgment debtor)
Whose last known address is: 561 W 174th Street
Apt. 44 New York, NY 10033-8214
and said defendant (judgment debtor) is receiving or will receive from the Employer* whose name and address is:
ICON PARKING SYSTEMS, LLC 211 EAST 38TH ST.
NEW YORK, NEW YORK, 10016 ATPN: Payroll

More than \$ Title or position No	per week, to wit \$ Ser, Ser, and/ pension No.	to be paid weekly installment of \$ Bureau, Office or Subdivision	each: Badge
	3543		

You are directed to satisfy the judgment with interest together with your fees and expense, out of all monies now and hereafter due owing to the judgment debtor from the Employer pursuant to CPLR § 5231 d 15 U.S.C 1671, et. Seq
Direction to Judgment Debtor: You are notified and commanded within 20 days to start paying to the Enforcement Officer serving a copy of this Income Execution on you: installments amounting to 10% (but no more than the Federal limits set forth in I. Limitations on the amount that can be withheld, below) of any and all salary, wages or other income, including any and all overtime earnings, commissions or other irregular compensation received or hereafter to be received from your Employer and to continue paying such installments until the judgment with interest and the fees and expenses of this Income execution are fully paid and satisfied, and if you fail to do so this Income Execution will be served upon the Employer by the Enforcement Officer.
Direction to the Employer: You are commanded to withhold and pay over to the Enforcement Officer serving a copy of this Income Execution on you: installments amounting to 10% (but no more than the Federal limits set forth in I. Limitations on the amount that can be withheld, below) of any and all salary, wages or other income, including any and all overtime earnings, commissions or other irregular compensation now or hereafter becoming due to judgment debtor until the judgment with interest and fees and expenses of this Income Execution are fully paid and satisfied.

Dated
3/4/2014


Gary Kavulich Esq.
Kavulich & Associates, P.C.
181 Westchester Avenue, Suite 500C
Port Chester, NY 10573
(914) 355-2074

- * "Employer," herein, includes any payor of money to Judgment Debtor.

Important Statement

This income execution directs the withholding of up to 10 percent of the judgment debtor's gross income. In certain cases, however, state or federal law does not permit the withholding of that much of the judgment debtor's gross income. The judgment debtor is referred to New York Civil Practice Law and Rules § 5231 and 16 United State Code § 1671 et seq.

I. Limitation on the amount that can be withheld

- A. An income execution for installments from a judgment debtor's gross income cannot exceed ten percent (10%) of the judgment debtor's gross income.

- B. If a judgment debtor's weekly disposable earnings are less than thirty (30) times the current federal minimum wage (\$5.85 per hour), or \$175.50* No deduction can be made from the judgment debtor's earnings under this income execution.
- C. A judgment debtor's weekly disposable earnings cannot be reduced below the amount arrived at by multiplying thirty (30) times the current federal minimum wage (\$5.85* per hour), or \$175.50* under this income execution.

D. If deductions are being made from a judgment debtor's earnings under any orders for alimony, support or maintenance for family members or former spouses, and those deductions equal or exceed twenty-five percent (25%) of the judgment debtor's disposable earnings, no deduction can be made from the judgment debtor's earnings under this income execution.

E. If deductions are being made from a judgment debtor's earnings under any order for alimony, support or maintenance for family members or former spouses, and those deductions are less than twenty-five percent (25%) of the judgment debtor's disposable earnings, deductions may be made from the judgment debtor's earnings under this income execution. However, the amount arrived at by adding the deductions from earnings made under this execution to the deductions made from earnings under any orders for alimony, support or maintenance for family members or former spouses cannot exceed twenty-five percent (25%) of the judgment debtor's disposable earnings.

NOTE: Nothing in this notice limits the proportion or amount, which may be deducted under any order for alimony, support or maintenance for family members or former spouses.

II. Explanation of Limitations

Definitions

Disposable Earnings – Disposable earnings are that part of an individual's earnings left after deducting those amounts that are required by law to be withheld (for example, taxes, social security and unemployment insurance, but not deduction for union dues, insurance plans, etc...)

Gross Income – Gross income is salary, wages or other income, including any and all overtime earnings, commissions, and income from trusts, before any deductions are made from such income.

Illustrations regarding earnings

If disposable earnings is:

(a) 30 times federal minimum wage

is:

(\$175.50*) or less

Amount to pay or deduct from earnings under this income execution

No payment or deduction allowed

(b) More than 30 times federal minimum wage (\$175.50*) and less than 40 times federal minimum wage (\$234.00*)

The less of: the excess over 30 times the federal minimum wage (\$175.50*) in disposable earnings, or 10% of gross earnings.

(c) 40 times the federal minimum wage (\$234.00*) or more

The less of: 25% of disposable earnings or 10% of gross earnings.

III. Notice: You may be able to challenge this income execution through the procedures provided in CPLR § 5231 (i) and CPLR § 5240

If you think that the amount of your income being deducted under this income execution exceeds the amount permitted by state or federal law, you should act promptly because the money will be applied to the judgment.

If you claim that the amount of your income being deducted under this income execution exceeds the amount permitted by state or federal law, you should contact your employer or other person paying your income. Further, YOU MAY CONSULT AN ATTORNEY, INCLUDING LEGAL AID IF YOU QUALIFY. New York State law provides two procedures through which an income execution can be challenged.

CPLR § 5231 (i) Modification. At any time, the judgment debtor may make a motion to a court for an order modifying an income execution.

CPLR § 5240 Modification or protective order: supervision of enforcement. At any time, the judgment debtor may make a motion to a court for an order denying, limiting, conditioning, regulating, extending or modifying the use of any postjudgment enforcement procedure, including the use of income executions.

*Based upon \$4.25 minimum hourly wage. Recalculate and insert correct figures if the minimum hourly wage changes.

Endorsement:

Date and Time execution received:

Installments paid to _____ have satisfied the judgment to the extent of \$_____

Principal and \$_____ interest, _____

Levying officer _____ County _____
Return to the judgment creditor or his attorney on _____ because of inability to

Find garnishee in the county. _____
Levying officer _____ County _____

City of the City of New York
County of Bronx

Index No: CV-011024-09/BX



ANA GROWTH FUND 1, LP
-against-
ANDRES RAUDA-RODRIGUEZ

ANSWER IN WRITING

CONSUMER CREDIT TRANSACTION

ACTION FOR MONEY ONLY

Defendant, ANDRES RAUDA-RODRIGUEZ, at 561 W. 174TH STREET #44, NEW YORK, New York
10033 answers the Complaint as follows:

Check all that apply)

1 ☐ General Denial: I deny the allegations in the complaint

SERVICE

2 ☒ I did not receive a copy of the summons and complaint

3 ☐ I received the Summons and Complaint, but service was not correct as required by law.

DEFENSES

4 ☐ I do not owe this debt

5 ☐ I did not incur this debt. I am the victim of identity theft or mistaken identity.

6 ☐ I have paid all or part of the alleged debt.

7 ☒ I dispute the amount of the debt.

8 ☐ I do not have a business relationship with Plaintiff. (Plaintiff lacks standing.)

9 ☐ The NYC Department of Consumer Affairs shows no record of plaintiff having a license to collect a debt.

10 ☐ Plaintiff does not allege a debt collection license number in the Complaint.

11 ☐ Statute of Limitations (the time has passed to sue on this debt: more than six years.)

12 ☐ The debt has been discharged in bankruptcy.

13 ☐ The collateral (property) was not sold at a commercially reasonable price.

14 ☐ Unjust enrichment (the amount demanded is excessive compared with the original debt.)

15 ☐ Violation of the duty of good faith and fair dealing.

16 ☐ Unconscionability (the contract is unfair.)

17 ☐ Laches (plaintiff has excessively delayed in bringing this lawsuit to my disadvantage.)

18 ☐ Defendant is in the military.

19 ☐ Other: _____

OTHER

20 Please take notice that my only source of income is _____, which is exempt from collection.

COUNTERCLAIM

21 Counterclaim(s):\$ _____ Reason: _____

VERIFICATION-

State of New York, County of Bronx ss:

ANDRES RAUDA-RODRIGUEZ, being duly sworn, deposes and says: I am the Defendant in this proceeding. I have read the Answer in Writing Consumer Credit Transaction and know the contents thereof to be true to my own knowledge except as to those matters stated on information and belief, and as to those matters I believe them to be true

Sworn to before me this APR 28 2018 20

Notary Public / Court Employee and Title

ANDRES RAUDA
Defendant

City of the City of New York, County of Bronx

GROWTH FUND 1, LP

-against-

Index # CV-011024-09/BX

ANDRES RAUDA-RODRIGUEZ

Affidavit in support of an order to show cause to restore case to the calendar, vacate any judgment, liens and income executions on this defendant on this Index number, allow proposed answer or dismissing the action

State of New York, County of New York:

ANDRES RAUDA-RODRIGUEZ, being duly sworn, deposes and says:

(Defendant's initials)

1. AR a) I am the Party named as (Defendant)(Respondent) in the above titled action

2. AR a) I have been served with a summons and complaint in this action. [NOTE: if Small Claims skip #3, and go to #4]
 b) I have not been served, and my first notice of legal action was [NOTE: if you complete any of #2b, skip #3, #4, #5, and go to #6]

AR a Notice of Default Judgment mailed to me
AR a Restraining Notice on my bank account.
AR a copy of an Income Execution served on
 Other: Attorney's Notice 3-4-14

3. AR a) I did not appear and answer in the Clerk's Office because: [NOTE: if you complete #3a, skip and go to #6].
Porque nunca recibimos ningun documento

b) I did not appear and answer in the Clerk's Office
 and I received a date for trial.
 but the answer was entered late
 Other: _____

4. On the Date of Trial before Judge/Arbitrator
 _____ a stipulation(a written agreement) was made between claimant/plaintiff and defendant.
 _____ a judgment was entered after the trial.
 _____ a judgment was entered against me by default for my failure to appear.
 Other: _____

5. My reason for not
 _____ complying with the stipulation is _____
 _____ following the order of the Court is _____
 _____ appearing in court on the date scheduled for trial is _____
 Other: _____

6. I allege that I have a good defense because: Yo si debo esa cantidad pero no la tengo, pero no el total amount
AR no.

7. AR a) I have not had a previous Order to Show Cause regarding this index number.
 b) I have had a previous Order to Show Cause regarding this index number but I am making this application because: _____

8. AR I request that the Judgment be vacated, that the case be restored to the calendar, that the answer be deemed timely filed and permission to serve these papers in person.

Sworn to before me this day April 23, 2014

Signature of Court Employee and Title

(Sign Name) Andres Rauda
 ANDRES RAUDA-RODRIGUEZ
 561 W. 174TH STREET #44
 NEW YORK, New York 10033

Special Service™

REGISTERED MAIL™ RECEIPT

Domestic Mail Only; No Insurance Coverage Provided

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 30.70
Certified Fee	\$ 3.30
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 34.00

Postmark
Here

04/26/2014

Sent To

Sheriff / Marshal: NYC Marshal

Street, Apt. No.;

or PO Box No.

109 W 38 Street Suite 200

City, State, ZIP+4

New York NY 10018-3615

Page 28

PS Form 3800, August 2006

See Reverse for Instructions

Service™

REGISTERED MAIL™ RECEIPT

First-Class Mail Only; No Insurance Coverage Provided

For delivery information visit our website at www.usps.comNO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

Postage	\$ 0.70
Certified Fee	\$3.30
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 4.00

Postmark
Here

0059

150000

08/26/2014

Sent To

Kia Vulich & Associates PC (counsel for PH)

Street, Apt. No.:

or PO Box No. 181 Westchester Avenue Suite 5000

City, State, ZIP+4

Port Chester, New York 10573

PS Form 3800, August 2006

See Reverse for Instructions

Page 28

7102 0522 0000 0000 0000 0000

Bronx County Civil Court
Civil Judgment

Plaintiff(s):

PRANA GROWTH FUND 1, LP

vs.

Defendant(s):

ANDRES RAUDA-RODRIGUEZ

Index Number: CV-011024-09/BX

Judgment issued: On Default

On Motion of:

KAVULICH & ASSOCIATES, P.C.
30 CHURCH STREET, SUITE 26, NEW
ROCHELLE, NY 10801-

Amount claimed	\$3,091.88	Cost By Statute	\$20.00	Transcript Fee	\$0.00
Less Payments made	\$0.00	Index Number Fee	\$45.00	County Clerk Fee	\$0.00
Less Counterclaim Offset	\$0.00	Service Fee	\$25.00	Enforcement Fee	\$40.00
Interest 10/01/2006 at 9%	\$705.97	Non Military	\$0.00	Other Disbursements	\$0.00
Attorney fees	\$0.00	Notice of Trial	\$0.00	Other Costs	\$0.00
		Jury Demand	\$0.00		

Total Damages	\$3,797.85	Total Costs & Disbursements	\$130.00	Judgment Total	\$3,927.85
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The following named parties, addressed and identified as creditors below:

Plaintiff creditor(s) and address

(1) PRANA GROWTH FUND 1, LP
1380-82 WHITE PLAINS RD, BRONX, NY 10462-

Shall recover of the following parties, addresses and identified as debtors below:

Defendant debtor(s) and address

(1) ANDRES RAUDA-RODRIGUEZ
561 W. 174TH STREET #44, NEW YORK, NY 10033-

Judgment entered at the Bronx County Civil Court, 851 Grand Concourse, Bronx, NY 10451, in the STATE OF NEW YORK
in the total amount of \$3,927.85 on 04/14/2009 at 12:18 PM.

Judgment sequence 1



Jack Baer, Chief Clerk Civil Court

COURT OF THE CITY OF NEW YORK
OF BRONX

Growth Fund 1 LP,

PLAINTIFF(S)

AGAINST

AFFIDAVIT OF FACTS
CONSTITUTING THE CLAIM
THE DEFAULT AND THE
AMOUNT DUE

Andres Rauda- Rodriguez

DEFENDANT(S)

STATE OF NEW YORK COUNTY OF WESTCHESTER

SS: GARY KAVULICH, ESQ. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PERJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY SUBSTITUED SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

October, 2006 balance of \$471.26

November, 2006 \$873.54

December, 2006 \$873.54

January, 2007 \$873.54

AT THE AGREED MONTHLY RENTAL OF \$873.54

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY AND RESIDES WITHIN THE CITY OF NEW YORK. RENT WAS NOT PAID BY ANY OTHER SOURCE. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PREDICATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$3,097.88 WITH INTEREST FROM 10/1/2006 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.
30 CHURCH STREET, SUITE 26
NEW ROCHELLE, NY 10801

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COURT ON

DATED: WESTCHESTER, NY
4/6/2009

YOURS, ETC.,
ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF SS:
BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON

FRANK G. BUGNONE
Notary Public, State of New York
No. 02BU5071950
Qualified in Westchester County
Commission Expires January 21, 2012

JURY OF THE CITY OF NEW YORK
Y OF BRONX

Growth Fund 1 LP,

INDEX NO. 11024/09

PLAINTIFF(S)

-AGAINST-

AFFIDAVIT OF
MAILING OF ADDITIONAL
NOTICE OF SUIT

Andres Rauda- Rodriguez

DEFENDANT(S)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:

GARY KAVULICH, ESQ., BEING DULY SWORN HEREBY DEPOSES AND SAYS:

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.
2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.
3. ON 3/13/2009, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE, PROPERLY ADDRESSED TO THE DEFENDANT(S), THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

~~X~~-----LAST KNOWN ADDRESS AT: Andres Rauda- Rodriguez: 561 W 174th Street Apt. 44 New York, NY 10033-8214

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

THE AFOREMENTIONED MAILING:

~~X~~-----HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE.

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RESENT TO THE DEFENDANT AT:

SWORN TO BEFORE ME
ON THIS 7 DAY OF April, 2009

GARY KAVULICH, ESQ.

Frank G. Buglione
FRANK G. BUGLIONE
Notary Public, State of New York
No. 02BU5071950
Qualified in Westchester County
Commission Expires January 21, 2009
5011

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

-----X
Prana Growth Fund I LP,

Plaintiff,

-against-

Andres Rauda- Rodriguez

Defendant(s).
-----X

Index No. 11024/09
File No. 1619

AFFIDAVIT OF
INVESTIGATOR

STATE OF NEW YORK)
)SS.:
COUNTY OF WESTCHESTER)

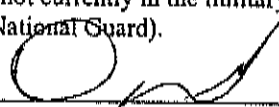
I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant(s) Andres Rauda- Rodriguez is at the present time in military service for the purpose of entry of judgment.

On April 6, 2009, I Denise Miranda, contacted the Defense manpower Data Center concerning the Defendant Andres Rauda- Rodriguez military status.

I inputted the social security number, as provided by the Defendant, into the Defense Manpower Data Center.


Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).



Denise Miranda

Sworn to before me this
7 Day of April, 2009

Notary Public


FRANK G. BUGLIONE
Notary Public, State of New York
No. 02BU5071950
Qualified in Westchester County
Commission Expires January 21, 2013
SDH

COURT OF THE CITY OF NEW YORK
OF BRONX

INDEX NO:
FILE NO: 1619

Prana Growth Fund 1 LP,

PLAINTIFF,

-AGAINST-

Andres Rauda- Rodriguez,

DEFENDANT(S)

AFFIRMATION OF FACTS
CONSTITUTING THE
AMOUNT DUE

Maurice McKenzie

hereby deposes and says under the penalties of perjury, ss:

That deponent is the managing agent of Prana Growth Fund 1 LP, Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$3,091.88 for the months October, 2006 balance of \$471.26; November, 2006 through and including January, 2007 at the agreed monthly rental amount of \$873.54 per month; (after application of security and after application of payments) no part having been paid, although duly demanded. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military and reside(s) in the City of New York. Rent was not paid by any other source. I make this affirmation upon personal Knowledge.

WHEREFORE, Plaintiff demands judgment against defendant for \$3,091.88 with interest from October 1, 2006 together with costs and disbursements of the action.

Dated: 1/19/2009

Sworn to before me
on this 19th day of February 2009

Rosario Ruiz
Notary Public

Maurice McKenzie

Maurice McKenzie

Rosario Ruiz
Notary Public, State of New York
No. E RU6159 700
Qualified in Bronx County
Commission Expires January 22, 2011

Department of Defense Manpower Data Center

APR-06-2009 13:53:04



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
RAUDA- RODRIGUEZ	ANDRES	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: BTKPQTZNNEV

CITY OF THE CITY OF NEW YORK
OF BRONX

Prana Growth Fund 1 LP,

PLAINTIFF(S)

-AGAINST-

Andres Rauda- Rodriguez

INDEX NO. 11024/09

FILE NO. 1619
JUDGMENT

1380-82 White Plains Road
Bronx, NY 10462

DEFENDANT(S)

AMOUNT CLAIMED LESS PMTS ON ACCT.
INTEREST FROM 10/1/2006

\$3,091.88
\$656.36
\$3,748.24

COSTS BY STATUTE
SERVICE OF SUMMONS AND COMPLAINT
FILING OF SUMMONS AND COMPLAINT
PROSPECTIVE MARSHALL'S FEE
NOTICE OF INQUEST
TRANSCRIPT & DOCKETING

\$20.00
\$25.00
\$45.00
\$40.00
\$0.00
\$0.00
\$130.00
TOTAL \$3,878.24

STATE OF NEW YORK, COUNTY OF WESTCHESTER:

THE UNDERSIGNED, ATTORNEY AT LAW OF THE STATE OF NEW YORK, ON OF THE ATTORNEY(S) OF RECORD FOR THE PLAINTIFF(S) IN THE ABOVE ENTITLED ACTION, STATES THAT THE DISBURSEMENTS ABOVE SPECIFIED HAVE BEEN OR WILL NECESSARILY BE MADE OR INCURRED THEREIN AND ARE REASONABLE IN AMOUNT: UPON FAILURE TO ANSWER, THE TIME OF THE DEFENDANT TO APPEAR AND ANSWER HEREIN HAS EXPIRED AND THE SAID DEFENDANT HAS NOT APPEARED AND ANSWERED HEREIN. THE UNDERSIGNED AFFIRMS THIS STATEMENT TO BE TRUE UNDER THE PENALTIES OF PERJURY.

DATED: WESTCHESTER, NY
4/6/2009

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.
30 CHURCH STREET, SUITE 26
NEW ROCHELLE, NY 10801

JUDGMENT ENTERED ON
SERVICE OF SUMMONS AND COMPLAINT IN THIS ACTION ON THE DEFENDANT(S)
HEREIN HAVING BEEN COMPLETED ON 4/4/2009 WITHIN THE CITY OF NEW YORK ON THAT DAY AND MORE THAN 20 DAYS

HAVING ELAPSED.

BY FILING ON SAID DAY OF PROOF OF THE SERVICE THEREOF BY SUBSTITUED SERVICE ON DEFENDANT(S) AND MORE THAN 30 DAYS HAVING ELAPSED SINCE THE DAY OF COMPLETION OF SERVICE AND THE TIME OF SAID DEFENDANT(S) TO APPEAR AND ANSWER HAVING EXPIRED, AND

NOW ON MOTION OF KAVULICH & ASSOCIATES, P.C. ATTORNEY(S) FOR THE PLAINTIFF(S) IT IS, ADJUDGED THAT Prana Growth Fund 1 LP

RESIDING AT: 1380-82 White Plains Road Bronx, NY 10462

RECOVER OF Andres Rauda- Rodriguez

RESIDING AT: 561 W 174th Street Apt. 44 New York, NY 10033-8214

THE SUM OF \$3,091.88 WITH INTEREST OF \$656.36 MAKING A TOTAL OF \$3,748.24 TOGETHER WITH \$130.00 COSTS AND DISBURSEMENTS, AMOUNTING IN ALL TO THE SUM OF \$3,878.24 AND THAT PLAINTIFF HAVE EXECUTION THEREFORE. SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

CLERK

COURT OF THE CITY OF NEW YORK
OF BRONX

Growth Fund I LP,

PLAINTIFF(S)

AGAINST

Andres Rauda- Rodriguez

DEFENDANT(S)

AFFIDAVIT OF FACTS
CONSTITUTING THE CLAIM
THE DEFAULT AND THE
AMOUNT DUE

STATE OF NEW YORK COUNTY OF WESTCHESTER

SS: GARY KAVULICH, ESQ. HEREBY DEPOSES AND SAYS UNDER THE PENALTIES OF PERJURY, THAT DEPONENT IS THE ATTORNEY FOR THE PLAINTIFF(S) IN THE WITHIN ACTION; THIS ACTION WAS COMMENCED BY SUBSTITUTED SERVICE OF THE SUMMONS AND COMPLAINT UPON DEFENDANT(S) AND IS AN ACTION FOR RENT DUE AND OWING FOR (AFTER APPLICATION OF PAYMENT AND SECURITY DEPOSIT)

October, 2006 balance of \$471.26

November, 2006 \$873.54

December, 2006 \$873.54

January, 2007 \$873.54

AT THE AGREED MONTHLY RENTAL OF \$873.54

ALL OTHER CAUSES OF ACTION ARE HEREBY WAIVED AND DISPOSED. AFTER A COMPLETE AND THOROUGH INVESTIGATION THE DEFENDANT IS FOUND NOT TO BE IN THE MILITARY AND RESIDES WITHIN THE CITY OF NEW YORK. RENT WAS NOT PAID BY ANY OTHER SOURCE. I MAKE THIS AFFIRMATION UPON INFORMATION AND BELIEF, A BELIEF PREDICATED UPON CONVERSATIONS WITH MY CLIENT, MY INVOLVEMENT IN THE PROCEEDING AND READING THE FILE IN THIS CASE.

SECOND AND THIRD CAUSES OF ACTION ARE HEREBY WAIVED.

WHEREFORE DEPONENT DEMANDS JUDGMENT AGAINST DEFENDANT(S) FOR \$1,091,888 WITH INTEREST FROM 10/1/2006 TOGETHER WITH COSTS AND DISBURSEMENTS OF THE ACTION.

KAVULICH & ASSOCIATES, P.C.
BY: GARY KAVULICH, ESQ.
30 CHURCH STREET, SUITE 26
NEW ROCHELLE, NY 10801

TO THE DEFENDANT(S): PLEASE TAKE NOTICE THAT THE WITHIN IS A TRUE COPY OF A JUDGMENT MADE AND ENTERED IN THE WITHIN ENTITLED ACTION AND DULY FILED IN THE OFFICE OF THE CLERK OF THE COURT ON

DATED: WESTCHESTER, NY
4/6/2009

YOURS, ETC.,
ATTORNEYS FOR PLAINTIFF

STATE OF NEW YORK, COUNTY OF

SS:

BEING DULY SWORN, DEPOSES AND SAYS; THAT DEPONENT IS NOT A PARTY TO THE ACTION, IS OVER 18 YEARS OF AGE AND RESIDES IN

THAT ON DEPONENT SERVED A TRUE COPY OF THE WITHIN JUDGMENT AND NOTICE OF ENTRY THEREOF (EACH OF) THE FOLLOWING NAMED DEFENDANT(S) AT THE ADDRESS(ES) INDICATED (FOR EACH):

BY DEPOSITING SAME ENCLOSED IN POSTPAID PROPERLY ADDRESSED WRAPPER(S), IN -A POST OFFICE- OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE UNITED STATES POSTAL SERVICE WITHIN NEW YORK STATE.

SWORN TO BEFORE ME ON

FRANK G. BUGLIONE
Notary Public, State of New York
No. 02BU5071950
Qualified in Westchester County
Commission Expires January 21, 2011

COURT OF THE CITY OF NEW YORK
CITY OF BRONX

a Growth Fund 1 LP.

INDEX NO. 11024/09

PLAINTIFF(S)

-AGAINST-

Andres Rauda- Rodriguez

AFFIDAVIT OF
MAILING OF ADDITIONAL
NOTICE OF SUIT

DEFENDANT(S)

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:

GARY KAVULICH, ESQ., BEING DULY SWORN HEREBY DEPOSES AND SAYS:

1. I AM THE ATTORNEY FOR THE PLAINTIFF(S) HEREIN.
2. THE ABOVE ENTITLED ACTION IS AGAINST A NATURAL PERSON AND IS BASED UPON NON PAYMENT OF A CONTRACTUAL OBLIGATION.
3. ON 3/13/2009, I MAILED A COPY OF THE SUMMONS AND COMPLAINT IN THE ABOVE ENTITLED ACTION BY DEPOSITING THE ENVELOPE IN AN OFFICIAL DEPOSITORY UNDER THE EXCLUSIVE CARE AND CUSTODY OF THE U.S. POSTAL SERVICE WITHIN NEW YORK STATE. SAID MAILING WAS BY FIRST CLASS MAIL IN A POSTPAID ENVELOPE, PROPERLY ADDRESSED TO THE DEFENDANT(S), THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT. AT DEFENDANT(S):

~~X~~ LAST KNOWN ADDRESS AT: Andres Rauda- Rodriguez: 561 W 174th Street Apt. 44 New York, NY 10033-8214

-----PLACE OF EMPLOYMENT AT:

THE ENVELOPE BORE THE LEGEND "PERSONAL & CONFIDENTIAL" AND THERE WAS NO INDICATION ON THE OUTSIDE OF THE ENVELOPE THAT THE COMMUNICATION WAS FROM AN ATTORNEY OR CONCERNED AN ALLEGED DEBT.

-----A KNOWN ADDRESS OF THE DEFENDANT AT:

THIS ADDRESS IS NOT THE RESIDENCE OR PLACE OF EMPLOYMENT OF THE DEFENDANT.

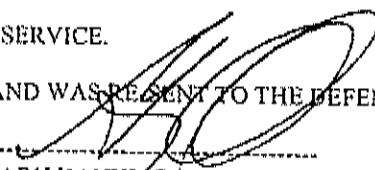
THE AFOREMENTIONED MAILING:

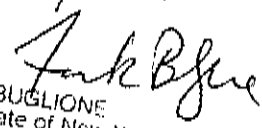
~~X~~ HAS NOT BEEN RETURNED UNDELIVERABLE BY POSTAL SERVICE.

-----WAS RETURNED UNDELIVERABLE BY POSTAL SERVICE AND WAS RESENT TO THE DEFENDANT AT:

SWORN TO BEFORE ME

ON THIS 7 DAY OF April, 2009


GARY KAVULICH, ESQ.


FRANK G. BUGLIONE
Notary Public, State of New York
No. 02BU5071950
Qualified in Westchester County
Commission Expires January 21, 2003

Soil

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

Prana Growth Fund I LP,

Plaintiff,

Index No. 11024/09
File No. 1619

-against-

Andres Rauda- Rodriguez

Defendant(s).

AFFIDAVIT OF
INVESTIGATOR

STATE OF NEW YORK)

)SS.:

COUNTY OF WESTCHESTER)

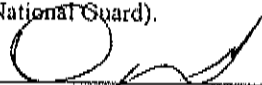
I am over 18 years of age, am not a party to this action and reside in Westchester County, State of New York.

I have been requested by Kavulich & Associates, P.C. attorney for the Plaintiff, to make an investigation to ascertain if the Defendant(s) Andres Rauda- Rodriguez is at the present time in military service for the purpose of entry of judgment.

On April 6, 2009, I Denise Miranda, contacted the Defense manpower Data Center concerning the Defendant Andres Rauda- Rodriguez military status.

I inputted the social security number, as provided by the Defendant, into the Defense Manpower Data Center.


Under the Defendant's social security number I received an affidavit from the Defense Manpower Data Center stating that the said Defendant is not currently in the military service of the United States and the State of New York (National Guard).


Denise Miranda

Sworn to before me this

7 Day of April, 2009

Notary Public


FRANK G. BUGLIONE
Notary Public, State of New York
No. 02BU5071950
Qualified in Westchester County
Commission Expires January 21, 2013

COURT OF THE CITY OF NEW YORK
CITY OF BRONX

Prana Growth Fund 1 LP,

PLAINTIFF,

-AGAINST-

Andres Rauda- Rodriguez,

DEFENDANT(S)

INDEX NO:
FILE NO: 1619

AFFIRMATION OF FACTS
CONSTITUTING THE
AMOUNT DUE

Maurice McKenzie

hereby deposes and says under the penalties of perjury, ss:

That deponent is the managing agent of Prana Growth Fund 1 LP, Plaintiff in the within action; this action was commenced by substituted service of the summons and complaint upon defendant(s) and is an action for breach of a lease agreement in the amount of \$3,091.88 for the months October, 2006 balance of \$471.26; November, 2006 through and including January, 2007 at the agreed monthly rental amount of \$873.54 per month; (after application of security and after application of payments) no part having been paid, although duly demanded. All other causes of action are hereby waived and disposed of. After a complete and thorough investigation, as I have been informed by Plaintiff's counsel, the defendant(s) is/are found not to be in the military and reside(s) in the City of New York. Rent was not paid by any other source. I make this affirmation upon personal Knowledge.

WHEREFORE, Plaintiff demands judgment against defendant for \$3,091.88 with interest from October 1, 2006 together with costs and disbursements of the action.

Dated: 1/19/2009

Sworn to before me
on this 10th day of February 2009

Rosario Ruiz
Notary Public

Maurice McKenzie

Maurice McKenzie

Rosario Ruiz
Notary Public, State of New York
No. 1 RU6159 700
Qualified in Bronx County
Commission Expires January 22, 2011

Department of Defense Manpower Data Center

APR-06-2009 13:53:04



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

< Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
RAUDA- RODRIGUEZ	ANDRES	Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: BTKPQTZNNEV

AFFIDAVIT OF SERVICE

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONXIndex No. 11024/09
Filed: _____

Attorneys: Kavulich & Associates, P.C.

Address: 30 Church Street, Suite 26, New Rochelle, NY 10801

File No. 1619

PRANA GROWTH FUND I LP,

vs.

ANDRES RAUDA-RODRIGUEZ,

State of New York County of Nassau SS:

Chafin Evans, being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age. On February 13, 2009 at 11:40a.m.At: 561 W. 174th Street, Apt. 44, New York, NY 10033-8214 served the within Summons andComplaint on: ANDRES RAUDA-RODRIGUEZ, Defendant therein namedIndividual ☐ By delivering a true copy of each to said recipient: deponent knew the person served to be the person described as said person therein.Corporation ☐ By delivering to and leaving with _____ and that deponent knew the person so served and authorized to accept service on behalf of the CorporationSuitable Age Person ☒ By delivering a true copy of each to a person of suitable age and discretion
Said premises is recipients ☐ actual place of business ☒ dwelling house within the state.Affixing to Door ☒ By affixing a true copy of each to the door of said premises, which is recipients ☐ actual place of business ☒ dwelling house (place of abode) within the stateMail Copy ☐ On February 14, 2009 deponent completed service under the last two sections by depositing a copy of the Summons and Complaint to the above address in a 1st Class properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Deponent was unable, with due diligence to find the recipient or a person of suitable age and discretion having called thereat:

On the _____ day of _____ at _____

On the _____ day of _____ at _____

On the _____ day of _____ at _____

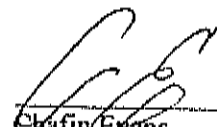
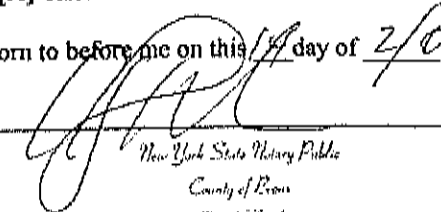
Description A description of the Defendant, or other person served on behalf of the Defendant

☐ Sex: F Color of skin: BRN Color of Hair: BLK Age: 35-40 Height: 5'5" Weight: 160LBS

Military Svce Deponent asked person spoken to whether the recipient was presently in military

☒ service of the United States Government or of the State of New York and was informed that the recipient is not. Recipient wore civilian clothes and no military uniform

Other

☒ "Jane Doe" stated that the Defendant is not in the military.Sworn to before me on this 14 day of 2/09
Chafin Evans
LIC# 1243320
New York State Notary Public

County of Bronx

Cheryl P. Park

Lic. No. 0111140042016

Commission Expires June 5, 2017

CIVIL COURT OF THE CITY OF NEW YORK
COUNTY OF BRONX

Prana Growth Fund 1 LP,
Plaintiff,

INDEX NO. 0110077
FILE NO. 1619

-against-

Andres Rauda- Rodriguez,

Defendant(s)

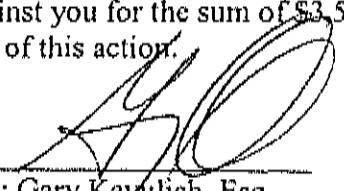
SUMMONS
Place of Venue is Plaintiff's
place of business:

1380-82 White Plains Road
Bronx, NY 10462

To the above named defendants(s):

YOU ARE HEREBY SUMMONED to appear at the CIVIL COURT OF THE CITY OF NEW YORK, COUNTY OF BRONX at the office of the clerk of the said Court at 851 Grand Concourse, Bronx, NY 10451, in the COUNTY OF BRONX, State of New York, within the time provided by law as noted below and to file an answer to the below complaint with the clerk: upon your failure to answer, judgment will be taken against you for the sum of \$3,591.88 with interest thereon from October 1, 2006 together with costs of this action.

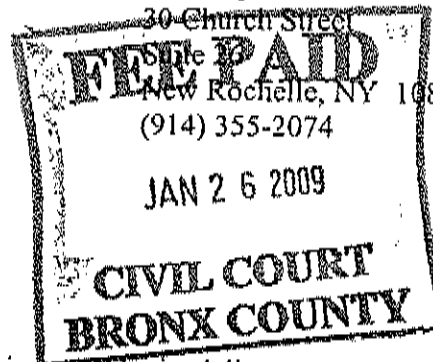
DATED: January 19, 2009


By: Gary Kavulich, Esq.,
Kavulich & Associates, P.C.
Attorney for Plaintiff

30 Church Street
Suite 10
New Rochelle, NY 10801
(914) 355-2074

Defendant's Address:

Andres Rauda- Rodriguez
561 W 174th Street, Apt. 44
New York, NY 10033-8214



Note: The law provides that: (a) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within TWENTY days after such service; or (b) If the summons is served by any means other than personal delivery to you within the City of New York, you must appear and answer within THIRTY days after proof of service thereof is filed with the Clerk of this Court.

COMPLAINT

FIRST ACTION: Plaintiff seeks to recover damages from defendant(s) for breach of a lease agreement in the sum of \$3,091.88 representing rental arrears for the months of October, 2006 balance of \$471.26; November, 2006 through and including January, 2007 at the agreed monthly sum of \$873.54 for the premises known as 1380-82 White Plains Road, Apt.3B Bronx, NY 10462 together with costs and disbursements of this action and for such other and further relief as the court may deem just.

SECOND ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$0.00 representing damages together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

THIRD ACTION: Plaintiff seeks to recover damages from the defendant in the sum of \$500.00 representing reasonable attorneys fees together with costs and disbursements of this action and for such other further relief as the Court may deem just.

WHEREFORE, Plaintiff demands judgment (A) on the First Action, in the sum of \$3,091.88 plus interest from October 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (B) on the Second Action, in the sum of 0.000 plus interest from October 1, 2006 together with costs and disbursements of this action and for such other and further relief as the Court may deem just, (C) on the Third Action, in the sum of \$500.00 together with costs and disbursements of this action and for such other and further relief as the Court may deem just.

The Plaintiff in this action is NOT required to be licensed by the New York City Department of Consumer Affairs.